

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

TROY A. HARDEN,

Petitioner

VS.

Warden DANNY THOMPSON,

Respondent

:
:
:
:
:
:
:
:
:
:
:

NO. 5:12-CV-393 (MTT)

ORDER

Petitioner **TROY A. HARDEN** filed a *pro se* petition for writ of habeas corpus under 28 U.S.C. § 2254. He now moves for voluntary dismissal of this action (Doc. 9).

Under Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, a petitioner may voluntarily his action “before the opposing party serves either an answer or a motion for summary judgment[.]” Respondent has not yet served an answer or a motion for summary judgment. Accordingly, Petitioner's motion to dismiss is hereby **GRANTED** and the above-captioned action is **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED, this 16th day of October, 2012.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT